

United States District Court

for the

Eastern District of Pennsylvania

MAY - 3 2016

U.S.A. vs. Alvin Dunston

Case No. 04-CR-00175-1

MICHAEL E. KUNZ, Clerk

By **Dep. Clerk**

Petition on Supervised Release

COMES NOW Leonard L. Ventre U.S. PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Alvin Dunston who was placed on Supervised Release by The Honorable James Knoll Gardner sitting in the Court at Allentown, PA, on the 12th day of May, 2005, who fixed the period of supervision at five years, and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

ORIGINAL OFFENSE: Distribution of crack cocaine (Count One); Possession of cocaine with intent to distribute (Counts Two and Three); Possession of a firearm in furtherance of a drug trafficking crime (Count Four); and Possession of a firearm by convicted felon (Count Five).

ORIGINAL SENTENCE: The defendant was sentenced to 120 months to be followed by a five (5) year term of supervised release.

AMENDED SENTENCE: On November 11, 2008, the defendant's custody sentence was reduced from 120 months to a total of 105 months.

SPECIAL CONDITIONS: 1) The defendant shall pay any financial penalty that is imposed by this judgment, and that remains unpaid at the commencement of the term of supervised release; 2) The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless the defendant is in compliance with the installment payment schedule; 3) The defendant shall provide the U.S. Probation Office with access to any requested personal and/or business financial information. The probation office is authorized to release pre-sentence and post-sentence financial information submitted by the defendant to the U.S. Attorney's Office for use in the collection of any unpaid fine or restitution. If restitution or a fine is owed, the defendant shall

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notify the U.S. Probation Office of any assets received and shall not disburse his interest in any assets, including, but not limited to, income tax refunds, inheritance, insurance and lawsuit settlements, or gambling winnings without the approval of the U.S. Probation Office; 4) The defendant shall participate in a drug aftercare treatment program which may include urine testing at the direction and discretion of the probation officer; 5) The defendant shall pay a fine in the amount of \$10,000.00 in monthly installments of \$250.00; and 6) The defendant shall pay a special assessment in the amount of \$500.00 due immediately.

MODIFICATION OF
CONDITIONS:

On August 22, 2014, due to the defendant's failure to make consistent monthly fine payments of \$250.00, a Modification of Conditions Hearing was held before the Honorable Edward G. Smith. At that time, the hearing was continued until Monday, February 23, 2015, due to the defendant getting caught up with his payments. However, the February 23, 2015, hearing was not held due to the defendant once again getting caught up on his monthly payments shortly before the date of the Modification Hearing.

On October 5, 2015, Your Honor agreed with our recommendation in our Report on Offender that the defendant's monthly payment be reduced to \$100.00 due to the defendant's increased expenses of living alone.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE
AS FOLLOWS:

Mr. Dunston has paid the special assessment in full. As of this writing, the fine balance is \$3,642.00, and the chances of him being able to satisfy the financial obligations prior to expiration are highly unlikely. Despite his financial struggles, the defendant has made almost every monthly payment and has advised that he will continue to make monthly fine payments directly to the Clerk's Office for disbursement. Assistant U.S. Attorney Joseph F. Minni, of the

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Financial Litigation Unit, has been notified that the defendant's supervision is due to expire with an outstanding fine balance. The U.S. Attorney's Office posed no objections.

PRAYING THAT THE COURT WILL ORDER ...

**THAT THE DEFENDANT'S
TERM OF SUPERVISED
RELEASE BE PERMITTED TO
TERMINATE AS SCHEDULED
ON SEPTEMBER 22, 2016,
WITH AN OUTSTANDING FINE
BALANCE.**

I declare under penalty of perjury that
the foregoing is true and correct.



Carlos Montgomery
Supervising U.S. Probation Officer

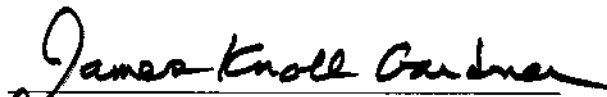
Place: Allentown, PA

Date: April 27, 2016

LLV/rmb

ORDER OF THE COURT

Considered and ordered this 2nd day of
MAY, 2016, and ordered
filed and made part of the records in the
above case.


U.S. District Court Judge